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PATENT

Attorney Docket No. 9052-84

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Denecke et al.
Serial No.: 09/868,434
Filing Date: January 10, 2002
For: ENHANCING PLANT PATHOGEN RESISTANCE VIA INCREASING BIP LEVELS

Confirmation No.: 1446
Group Art Unit: 1638
Examiner: A. Kubelik

November 8, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC §134, 37 CFR 1.191, and MPEP §1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the final Office Action dated May 11, 2004, at least twice rejected or finally rejecting Claims 1-7, 9-11 and 14-16.

- ☒ Enclosed is a check including the amount of \$340.00 for the Appeal fee as provided by 37 C.F.R. § 1.17(b).
- ☐ Payment by credit card is requested. Form PTO-2038 is attached.
- ☒ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.
- ☒ Also enclosed: Amendment After Final
- ☒ The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully submitted,

Shawna Cannon Lemon
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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan E. Freedman
Date of Signature: November 8, 2004

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